

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1908

AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-5-15-1 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter:

"Board" means the board of trustees of the commuter transportation district.

"Commuter transportation system" means any rail common carrier of passengers for hire, the line, route, road, or right-of-way of which crosses one (1) or more county boundaries and one (1) or more boundaries of the state and serves residents in more than one (1) county. This system is limited to commuter passenger railroads.

"Cost" as applied to a railroad or railroad project includes:

- (1) the cost of construction;
- (2) the cost of acquisition of personal property, capital stock, land, rights-of-way, property rights, easements, and interests;
- (3) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved;
- (4) the cost of relocating public roads and land, or of easements;
- (5) the cost of all machinery and equipment, financing charges, interest before and during construction and for not exceeding two (2) years after the estimated date of completion of construction;
- (6) the cost of engineering and legal expenses, plans, specifications, surveys, estimates of cost, traffic, and revenues,

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other expenses necessary or incident to determining the feasibility or practicability of constructing or acquiring any such project;

(7) administrative expense; and

(8) such other expenses as may be necessary or incident to the construction or acquisition, of the project, the financing of the construction or acquisition, and the placing of the project in operation.

"District" means a commuter transportation district established under this chapter.

"Passenger" means a frequent user of the commuter transportation system who can demonstrate an interest and familiarity with the commuter transportation system.

"Project" or "railroad project" includes any facilities, adjuncts, and appurtenances necessary to operate a railroad, such as lines, routes, roads, rights-of-way, easements, licenses, permits, tangible personal property, and real property. It also includes all or a majority of the outstanding capital stock of a corporation that operates a railroad.

"Revenues" means all fees, tolls, rentals, gifts, grants, money, and all other funds coming into the possession or under the control of the board by virtue of this chapter, but does not include real property or personal property other than money, nor the proceeds from the sale of bonds issued under this chapter.

SECTION 2. IC 8-5-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The district shall be supervised and managed by a board of trustees, which consists of **the following:**

(1) Four (4) members, one (1) from each county that is a member of the district, appointed by that county's board of county commissioners.

(2) Four (4) members, one (1) from each county that is a member of the district, each of whom is the president of that county's county council or another council member designated by the president as a board member.

(3) One (1) member representing the rest of the state, appointed by the governor.

(4) One (1) passenger member appointed by the governor. The member appointed under this subdivision must be selected from passengers who have submitted a letter of interest to the governor. To be considered for this position, a passenger must submit a letter of interest to the governor during a two (2) week period that begins sixty (60) days before the expiration of the term of the member appointed under this subdivision.



A member of the board serving under this subdivision is not required to submit a letter of interest to be eligible for appointment to a successive term.

(5) One (1) member who is an employee of the district, appointed by the governor from a list of names submitted by the labor unions representing the employees of the district. Each labor union representing employees of the district may submit one (1) name to be included on the list of names under this subdivision.

(b) A member shall serve for a term of two (2) years from the beginning of the term for which the member was appointed and until a successor has qualified for the office. Each member shall serve at the pleasure of the appointing authority but is eligible for reappointment for successive terms.

(c) ~~(d)~~ The members of the board shall elect for a one (1) year term:

- (1) one (1) member as chairman;
- (2) one (1) member to serve as vice chairman;
- (3) one (1) member to serve as secretary; and
- (4) one (1) member to serve as treasurer.

(d) Ninety (90) days before the expiration of the term of the board member appointed under subsection (a)(4), the district shall post in each commuter station in the district a notice of the opening on the board of trustees. The notice must announce the opening for a passenger member on the board of trustees and provide information on submitting a letter of interest. The notice must state the period in which the passenger must submit a letter of interest. The notice must remain posted until the expiration of the two (2) week period described in subsection (a)(4).

(e) A member appointed under subsection (a)(4) or (a)(5) may not:

- (1) vote on issues involving perceived or actual financial conflicts of interest, including personnel issues, collective bargaining, and assessment or levy of taxes; or
- (2) participate in an executive session of the board under IC 5-14-1.5-6.1, on issues regarding:
 - (A) the discussion of strategy for:
 - (i) collective bargaining; or
 - (ii) the initiation of litigation or litigation that is either pending or has been threatened specifically in writing; as described in IC 5-14-1.5-6.1(b)(2); or
 - (B) the discussion of job performance evaluation of individual employees, except for a discussion of the salary,



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compensation, or benefits of employees during a budget process, as described in IC 5-14-1.5-6.1(b)(9).

(f) The members appointed under subsection (a)(4) and (a)(5) must reside in different counties.

SECTION 3. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding IC 8-5-15-3, as amended by this act, not later than August 1, 2001, the district shall post in each commuter station in the district a notice of the opening on the commuter transportation district board of trustees. The notice must announce the opening for an initial passenger member on the board of trustees and provide information on submitting a letter of interest. The notice must state the period in which the passenger must submit a letter of interest. The notice must remain posted until October 1, 2001. Not later than November 1, 2001, the governor shall appoint the initial passenger member selected from among the passengers who submitted a letter of interest.

(b) Notwithstanding IC 8-5-15-3, as amended by this act, not later than November 1, 2001, the governor shall appoint an employee representative to the commuter transportation district board.

(c) This SECTION expires January 1, 2003.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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